

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BRIAN TACKETT

PLAINTIFF

v.

CAUSE NO: 2:05CV244

LINDA TACKETT, et al.

DEFENDANTS

ORDER DISMISSING CASE WITHOUT PREJUDICE

This cause came on consideration upon Plaintiff's Joint Motion to Dismiss [16], Defendants' Motion to Dismiss [17], and the Plaintiff's Response to Order to Show Cause [24]. The Court having considered the motion is of the following opinion:

Pro se Plaintiff Brian Tackett filed a conversion action against pro se Defendants Linda Tackett, Tyrone Tackett, Grace Transport, LLC, Cyclone, Inc., and Tytac, Inc., on December 1, 2005. The Defendants filed a subsequent counterclaim asserting fraud and breach of contract. A Joint Motion to Dismiss was filed by Brian Tackett on June 20, 2007, requesting that the case be dismissed with prejudice. The Defendants filed a Motion to Dismiss on July 30, 2007, seeking a dismissal without prejudice. The Clerk of Court has sent several Notice of Default/Incomplete Process notices out to the parties as well as a memorandum concerning the Joint Motion to Dismiss. Seven months have passed since the last filing.

On March 3, 2008, the Court ordered the Plaintiff to show cause as to why the case should not be dismissed. On March 10, 2008, the Plaintiff responded that he has no objection to the case being dismissed in any way the Court decides. The Court is of the opinion the case shall be dismissed without prejudice.

IT IS THEREFORE ORDERED, that this case is **DISMISSED WITHOUT PREJUDICE. IT IS FURTHER ORDERED** that this case shall be **CLOSED**.

SO ORDERED, this the 8th day of April, 2008.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE